

Panaji, 8th November, 1984 (Kartika 17, 1906)

SERIES II No. 32

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Works, Education and Tourism Department

Order

No. 7/24/78-WET

On the recommendation of Departmental Promotion Committee the Administrator of Goa, Daman and Diu is hereby pleased to promote Shri U. V. Bhohe, Chief Chemist (Ad-hoc) in P.W.D., Goa, on regular basis in the scale of pay of Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200 with immediate effect.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. S. Sawant, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 29th October, 1984.

### Forest and Agriculture Department

Notification

No. 6/28/81-AGR

In exercise of the powers conferred by clause 11 of the Seeds (Control) Order, 1983, the Administrator of Goa, Daman and Diu hereby appoints the Director of Agriculture, Panaji-Goa, as Licensing Authority for the purpose of the said Order, for whole of the Union Territory of Goa, Daman and Diu, in respect of seeds of food crops and seeds of fruits and vegetables.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. P. Pawvelkar, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 29th October, 1984.

Notification

No. 6/28/81-AGR

In exercise of the powers conferred by clause 12 of the Seeds (Control) Order, 1983, the Government hereby appoints the following Zonal Agricultural Officers as Inspectors for the purposes of the said Order, for the areas as specified against them; in respect of seeds of food crops and seeds of fruits and vegetables: —

1. Zonal Agricultural Officer, Valpoi — Satari Taluka.

2. Zonal Agricultural Officer, Bicholim — Bicholim Taluka.
3. Zonal Agricultural Officer, Pernem — Pernem Taluka.
4. Zonal Agricultural Officer, Mapusa — Bardez Taluka.
5. Zonal Agricultural Officer, Ponda — Tiswadi & Ponda Talukas.
6. Zonal Agricultural Officer, Curchorem — Sanguem & Quepem Talukas.
7. Zonal Agricultural Officer, Margao — Salcete and Mormugao Talukas.
8. Zonal Agricultural Officer, Canacona — Canacona Taluka.
9. Zonal Agricultural Officer, Daman — Daman & Diu Districts.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. P. Pawvelkar, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 29th October, 1984.

### Local Administration and Welfare Department

Office of the Registrar of Co-operative Societies

No. 43/1/84/TS/VI

Read: — Letter dated 6/9/1984 from Adv. Kum. Farman Moosa, C/o Sultan Lodge, Vasco-da-Gama, Goa.

Order

By virtue of the powers delegated to me vide Govt. Order No. CDE/COOP/1198/68-71 dated 20-5-1971 under Sub-section (3) of Section 91 of the Maharashtra Coop. Societies Act, 1960 as applied to the Union Territory of Goa, Daman and Diu, read with Rule 73 of the Coop. Societies Rules, 1962 I, L. T. De Menezes, Dy. Registrar of Coop. Societies Goa, Daman and Diu Panaji, am pleased to appoint Adv. Kum. Farman Moosa, Vasco-da-Gama, Goa to perform the duties of Registrar's Nominee for deciding the disputes arising in any of the Coop. Societies functioning under the jurisdiction of the Asstt. Registrar of Coop. Societies (South Zone) Margao for Vasco-da-Gama town with immediate effect for an initial period of one year.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 13th September, 1984.

Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Coop. Societies Act 1960, as applied to

the Union Territory of Goa, Daman and Diu, Pratap Coop. Housing Society Ltd., Panaji is registered under the code symbol HSG(a)-139/Goa.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 6th September, 1984.

#### Certificate of Registration

Pratap Coop. Housing Society Ltd., Panaji has been registered on 6-9-84 and it bears registration No. HSG(a)-139/Goa and it is classified as Housing Society under Sub-Classification 5(a)-Tenant Ownership Housing Society in terms of Rule 9 of the Coop. Societies Rules 1962 for the Union Territory of Goa, Daman and Diu.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 6th September, 1984.

#### Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Coop. Societies Act 1960, as applied to the Union Territory of Goa, Daman and Diu, Sahyadri Coop. Housing Society Ltd., Chicalim Vasco-da-Gama is registered under the code symbol No. HSG(b)-140/Goa.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 12th September, 1984.

#### Certificate of Registration

Sahyadri Coop. Housing Society Ltd., Chicalim Vasco-da-Gama has been registered on 12-9-84 and it bears registration code symbol No. HSG(b)-140/Goa and it is classified as "Housing Society" under sub-classification 5(b) Tenant Co-partnership Housing Society in terms of Rule 9 of the Coop. Societies Rules, 1962 for the Union Territory of Goa, Daman and Diu.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 12th September, 1984.

#### Notification

In exercise of the powers vested in me under Section 9(1) of the Maharashtra Coop. Societies Act 1960, as applied to the Union Territory of Goa, Daman and Diu, Govt. Employee Daya Coop. Housing Society Ltd., Fatorda Margao is registered under the code symbol No. HSG(a)-141/Goa.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 21st September, 1984.

#### Certificate of Registration

Govt. Employees Daya Coop. Housing Society Ltd., Fatorda, Margao has been registered on 21-9-84 and it bears registration No. HSG(a)-141/Goa and it is classified as Housing Society under sub-classification 5(a) Tenant Ownership Housing Society in terms of Rule 9 of the Coop. Societies Rules 1962 as applied to the Union Territory of Goa, Daman and Diu.

L. T. De Menezes, Dy. Registrar of Coop. Societies.

Panaji, 21st September, 1984.

### Office of the Asstt. Registrar of Cooperative Societies

#### Certificate of Registration

Matsya Udyog Vividh Karyakari Sahakari Society Ltd., Daman has been registered on 16-7-1984 and it bears registration code symbol No. GEN/9/(C)/Daman/1 and it is classified as a general society under sub-classification No. 9(C) of the Rule 9 of the Cooperative Societies, Rules 1962 for the Union Territory of Goa, Daman and Diu.

O. H. Dalal, Block Development Officer and Asstt. Registrar of Coop. Societies.

Daman, 16th July, 1984.

### Public Health Department

#### Corrigendum

No. 5/10/84-PHD

Read: Government Order No. 5/10/84-PHD dated 4-7-1984.

Posting of Dr. Jayant M. Dessai, Medical Officer made vide above referred Government Order may be read as "at Leprosy Control Programme, Directorate of Health Services, Panaji" instead of "Leprosy Hospital, Macasana".

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 30th October, 1984.

### Industries and Labour Department

#### Order

No. 28/2/84-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 20th October, 1984.

### IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/39/78

- |   |                     |
|---|---------------------|
| 1. Shri Luis D'Cunha  | — Workman/Party I   |
| V/s.  |                     |
| 1. M/s. Cafe S. F. Xavier   | — Employer/Party II |
| Workman/Party I represented by Shri George Vaz, Union Leader.       |                     |
| Employer/Party II represented by Shri L. R. Ferrao, Labour Advisor. |                     |

Panaji. Dated: 9-10-1984

#### AWARD

The Government of Goa, Daman & Diu, by its Order No. IRM/CON(24)/78/IT-20/78 dated 19th June, 1978, has referred for the adjudication by this Tribunal of an industrial dispute between the above parties. The schedule annexed to the Order of Reference reads as follows:

"Whether the action of the management of M/s. Cafe S. F. Xavier Shop No. 141, Municipal Market, Mapusa (Goa) in terminating the services of Shri Luis D'Cunha, Post Colval, Dargoli Tuem, Centurli, Bardez (Goa), is legal and justified;

If the answer to the above be in negative, to what relief, if any, is the above mentioned workman entitled to?"

2. In his statement of claim, the workman has stated that he was appointed as Asstt. Cook in the employer's establishment at Mapusa on 8-1-1961 on a pay scale of Rs. 50-175 and an appointment letter was given to him only on 20-8-1975 after the enforcement of Shops and Establishment Act. In this appointment letter, his basic salary was fixed in Rs. 150/- and allowance in Rs. 75/- with entitlement to leave, weekly offs etc; his duty hours were from 9 a. m. to 2 p. m. and 4 p. m. to 8 p. m. daily; the workman was dismissed from services w. e. f. 3-9-1977; no letter of termination was issued to him, nor was he paid of his legal dues for his 17 years of service, namely leave encashment, gratuity, bonus etc. The workman raised a dispute before the Labour Commissioner; Concilia-

tion Proceedings were taken up and ended in failure and, hence, this reference. The workman was removed from services with a show of inquiry which never took place. He has prayed that his termination of services be treated as illegal and he be reinstated in services with full back wages.

3. In his written statement, the employer has denied that no letter of termination was given to the workman and stated that he was dismissed after an ex-parte inquiry was held against him properly and with due compliance of the principles of natural justice. Alongwith the letter of termination, the workman was also offered all his legal dues, which he did not collect. The workman was not behaving in a disciplined manner earlier to August 1977 and, on 29-11-1976, he was issued a memo because of a complaint of a customer that he served him tea with pieces of bread inside and in April 1977 he served biryani/pickle to a customer putting kerosene oil in the same; he admitted his fault and was verbally warned. He used to frequently remain absent on flimsy grounds, which absence was proving detrimental to the interest of the establishment. An inquiry was held against him for habitual absenteeism, in which he admitted his guilt and was warned by the Management.

4. The workman filed his rejoinder.

5. Following issues were framed by the Tribunal:

"1. Does the Employer/Party II prove that the Domestic Inquiry was fair and proper?

2. Does the Employer/Party II prove that the finding of the D. R. are correct?

3. Do the Employer/Party II prove that the termination of the services of the workman/Party I by way of dismissal is justified?

4. Does the Workman/Party I prove that he is entitled to be recruited in service into full back wages and continuity of service?"

6. Evidence was led by the parties on the preliminary issue of the fairness of the domestic inquiry held by the employer which was disposed off by my order dated 16-5-1984, a copy of which was sent to both the parties. Employer's rep. collected the copy of the Order on 8-6-1984.

7. As, by the said order, the preliminary issue on the fairness of the inquiry was disposed off against the employer, by holding that the inquiry was not fair and proper, it was for the employer to apply for fresh evidence to be led before the Tribunal, in case the employer wanted to justify his order of dismissal. However, no such application was moved by the employer for more than 3 months after the receipt of the copy of the order. In its written statement also, the employer has not stated that he wanted to avail of the opportunity to lead evidence, in case the issue of the fairness of the inquiry was held against him. In the absence of an application by the employer to prove his case before the Tribunal and such application is a must (vide The Law of Industrial Disputes by O. P. Malhotra Vol. I page 890 3rd edition and the Supreme Court rulings in the case of State Bank of India V/s R. K. Jain, 1971 II LLJ page 599 and Delhi Cloth and General Mills Company Limited V/s. Ludh Budh Singh reported in 1972 I LLJ 180 cited therein), I pass the following order:

#### ORDER

The dismissal of the workman by the employer is illegal and not justified. Hence, I set aside the said order of dismissal and direct the reinstatement of the workman with continuity of services and half back wages as compensation, because it cannot be assumed that the workman has remained idle all this time. Costs of Rs. 200/- to be paid by the employer to the workman.

*Dr. Renato de Noronha*  
Presiding Officer  
Industrial Tribunal

#### Notification

No. 25/4/84-ILD

In exercise of the powers conferred by sub-section (2) of section 3 of the Trade Unions Act, 1926 (Central Act 16 of

1926) and in supersession of the Government Notification of even number dated 11th July, 1984, the Lieutenant Governor of Goa, Daman and Diu hereby appoints Shri R. S. Mardolkar, Deputy Labour Commissioner, as the Additional Registrar of Trade Unions for the purpose of exercising and discharging, under the superintendence and direction of the Registrar of Trade Unions, all the powers and functions of the Registrar of Trade Unions under the said Act within the Union territory of Goa, Daman and Diu.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

*Subhash V. Elekar*, Under Secretary (Industries and Labour).

Panaji, 27th October, 1984.

#### Notification

No. 28/27/83-ILD

Whereas the Government of Goa, Daman and Diu is satisfied that the public interest so requires that the industry engaged in the transport for carriage of passengers or goods by land (hereinafter called as the 'said industry') should be declared to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (14 of 1947);

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the said Act, the Lieutenant Governor of Goa, Daman and Diu hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months with effect from the date of publication of this Notification in the Official Gazette.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

*V. P. Suri*, Secretary (Industries and Labour).

Panaji, 30th October, 1984.

#### Notification

No. 28/31/83-ILD

Whereas the Government of Goa, Daman and Diu, pursuant to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of, 1947) had, vide Industries and Labour Department notification No. 28/31/83-ILD dated the 18th April, 1984, declared the services in the inland water transport industry, including handling, movement or transportation of goods by barges to be a public utility service for the purposes of the said Act for a period of six months from 26-10-84, the date of publication of the said notification in the Official Gazette;

And Whereas the aforesaid period had been extended from time to time by periods of six months vide subsequent notification, the last period having been extended upto 25-10-84 vide notification No. 28/31/83-ILD dated the 18th April, 1984;

And Whereas in the opinion of the Government of Goa, Daman and Diu, public interest requires further extension of the aforesaid period.

Now, Therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the said Act, the Lieutenant Governor of Goa, Daman and Diu hereby extends the said period by a further period of six months.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

*V. P. Suri*, Secretary (Industries and Labour).

Panaji, 30th October, 1984.